

CLIFTON, TOWN OF  
Located in County of Fairfax.  
Incorporated by a 1902 Act of Assembly.

Charter, 1902, c. 143; repealed 1938, c. 186.

Charter, 1938, c. 186.

Amended      1964, c. 250 (§ 3)  
                  1975, c. 72 (§ 8.1 [added])  
                  1976, c. 479 (§ 4.1 [added])  
                  1977, c. 348 (§ 3)  
                  1981, c. 66 (§ 3)  
                  2004, c. 554 (§3).

§ 1. The town of Clifton, in Fairfax County, Virginia, shall continue to be a town corporate in the name and style of the town of Clifton, in Fairfax county, Virginia, and as such shall have and may exercise the powers and privileges hereinafter set forth, and all powers and privileges conferred upon it by this charter and which are now or may be hereafter delegated to towns in accordance with the Constitution or laws of the Commonwealth of Virginia. (1938, c. 186)

§ 2. The boundaries of said town shall be as follows, namely:

Beginning at sign post corner Chappel and Main streets in said town. measuring four hundred and forty yards in opposite directions parallel with Main and Chappel streets, forming a square of one-half mile on each boundary, containing one-fourth square mile of territory. (1938, c. 186)

§ 3. (a) Government of said town shall be vested in a town council, which shall be composed of a mayor and five councilmen, who shall be residents and qualified voters in said town and whose qualifications to hold office, respectively, shall be the same as required of persons to vote and hold office under the Constitution and laws of the Commonwealth of Virginia. The mayor shall preside at all meetings of the council. In the absence of the mayor, the vice mayor shall preside at all meetings of the council. In the absence of the mayor and the vice mayor, one of the members of the council, to be chosen by the members present, shall act as mayor pro tempore and shall be clothed with all the powers of the regularly chosen mayor during the latter's absence from the meeting.

(b) The mayor and five councilmen shall be elected on the first Tuesday in May of every even-numbered year, and every two years thereafter, and shall hold office for two years from the first day of July next succeeding their election. The said mayor and five councilmen shall be elected under and pursuant to the provisions of the election laws of the State of Virginia governing town elections.

(c) The officers aforesaid shall qualify by taking the necessary oaths of office on or before the first day of July next succeeding the election, and shall enter upon the duties of their office on the first day of July next succeeding their election, and shall continue in office until their successors have qualified.

(d) The council shall appoint a clerk and town treasurer and may appoint a town sergeant, and if they deem it advisable a deputy town sergeant and such other officers as the council may deem necessary and proper, all of whom shall hold office at and during

the pleasure of the council, and the said officers shall qualify and execute bond in the manner prescribed by resolution of the council, and the council shall have power to fill the vacancy in any of these offices, and in any other municipal office created by death, resignation, removal or otherwise. The same person may be appointed town clerk and town treasurer.

(e) The appointment of all election officials and the conduct of all elections for public office shall be pursuant to and in accordance with the provisions of general law.

(f) through (k) (deleted 1964)

(l) The town council may fine its members for disorderly behavior, and may, with the concurrence of two-thirds of all members elected, and after due notice, expel a member.

(m) There shall be an annual meeting of the town council on the first Tuesday of July in each year, at which time the town sergeant and treasurer shall make their annual settlements with the council, and at the annual meeting next succeeding a town election the new council shall organize and elect a town clerk, a town sergeant, a deputy town sergeant if they deem it advisable, and a town treasurer and such other officers as the town council may deem necessary and proper.

(n) There shall be such other regular and special meetings of the town council as the bylaws may prescribe, and at all meetings, four members of the council, of whom the mayor may be one, shall constitute a quorum for the transaction of all business.

(o) A vacancy in the office of mayor or councilman shall be filled within 30 days, from the electors of the town, for the unexpired term, by a majority vote of the remaining members of the council, provided, however, that a vacancy in the office of mayor may be filled from their own body by the council. (1938, c. 186; 1964, c. 250; 1977, c. 348; 1981, c. 66; 2004, c. 554)

§ 4. Insofar as not prohibited by general law, the council of said town shall have all of the general powers vested in it by the general laws of this State, and shall also have the power to mark the bounds of existing streets and to widen or narrow, lay out and graduate, pave and otherwise improve streets and public highways within said town, to remove obstructions therefrom, and shall also have the power to pass and enforce all by-laws, rules, regulations and ordinances which the town council may deem necessary for the government of the town, the management of its property, the conduct of its affairs, the peace, order, comfort, convenience, morals, health and protection of its citizens or their property, or do such other things, adopt any ordinance that may be necessary or proper to carry into full effect all power, authority, capacity or jurisdiction which is or shall be granted to or vested in said town, or in the council or officers thereof, or which may be incident to a municipal corporation. (1938, c. 186)

§ 4.1. The powers set forth in §§ 15.1-841 and 15.1-843 of Chapter 18 of Title 15.1 of the Code of Virginia as now exist, and as hereafter amended, are hereby conferred on and vested in the town of Clifton. (1976, c. 479)

§ 5. The said council shall have the power to regulate the sanitary condition of said town, and to regulate the building and keeping in a sanitary condition all stables, hog pens, privies and slaughter houses, et cetera, and to abate nuisances at the expense of those who create them. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor or the trial officer designated by the council to try

such violation, subject to the general laws of this State and ordinances of said town applicable to said violations. (1938, c. 186)

§ 6. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Fairfax county, and no road tax shall be levied on any property within said limits, except by the council of Clifton, which tax shall be expended within the limits of said corporation for the construction, repair and improvement of the streets and roads therein, exclusive of the bridge across Pope's Head run, under the direction of the town council. (1938, c. 186)

§ 7. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows or performances which may take place anywhere within said extended limits. (1938, c. 186)

§ 8. The council of said town shall have the right to impose a license tax by ordinance and collect the same from business, trades, professions or callings, and upon the persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of said town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the State, and it may exceed the State license if any be required. It is the purpose of this section to give the council of this town the power to assess, issue a license or permit on any or all subjects within its jurisdiction not withheld from taxation by towns in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1938, c. 186)

§ 8.1. Notwithstanding any other provision of law, the town council may establish one or more historic districts for the purpose of promoting the general welfare, education and recreational pleasure of the public through the perpetuation of those general areas or individual structures and premises which have been officially designated by the town council as having historic or architectural significance. The establishment of historic districts shall be by amendment of the zoning ordinance and consistent with the purposes, criteria and procedures set forth in § 15.1-503.2 of the Code of Virginia. (1975, c. 72)

§ 9. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the town; and all laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act, shall continue in full force and effect until repealed by the Commonwealth of Virginia or the council of the town of Clifton. (1938, c. 186)

§ 10. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State. (1938, c. 186)

§ 11. Subject to the provisions of the Constitution and the general laws of this State and the terms of this charter, the town of Clifton shall have the right and power to grant franchises to public utilities, persons, firms and corporations. (1938, c. 186)

§ 12. The present town council shall continue in office through August 31, 1938, and shall enjoy all the powers and privileges conferred upon the town council of the town of Clifton by this act. (1938, c. 186)

§ 13. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1938, c. 186)